

CHAPTER: IV <b>APPLICATION</b>	SECTION: 6 <b>FAMILY VIOLENCE SCREENING</b>	COMAR: <b>07.03.03.04</b>
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## REQUIREMENTS

- A. Family violence screening is part of the application and recertification process
- B. Screen every family at application and recertification to determine if there is a history of family violence
- C. Advise the applicant or customer that:
  - 1. All information is confidential, except
  - 2. State law requires the case manager to report instances of suspected child abuse or neglect to the Child Protective Services
- D. Each local department must designate at least one in-house family violence expert
- E. When the applicant or customer states or the case manager suspects that there is a history of family violence that can interfere with meeting goals for independence, refer the applicant to the family violence expert
  - 1. Make referrals using local in-house forms and procedures, or
  - 2. The **DHR/FIA 461- Referral Form**
- F. The applicant or customer and family violence expert develop a safety plan, which both sign
- G. The family violence expert may refer the family to other resources for counseling and support services
  - 1. The Community Services Administration has provided a directory of DHR funded family violence services providers
  - 2. Other community resources may also be available
- H. Some TCA program requirements may be waived if the family violence expert believes that complying will make it more difficult to escape family violence
- I. Family safety is the primary concern

## DEFINITION OF FAMILY VIOLENCE

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- A. A victim of family violence is one who has been subjected to one or more of the following by an intimate partner:
  - 1. Physical acts that result in, or threaten to result in, physical injury to the individual
  - 2. Sexual abuse
  - 3. Sexual activity involving a dependent child
  - 4. Being forced to engage in nonconsensual sexual acts or activities
  - 5. Threats of, or attempts at, physical or sexual abuse
  - 6. Neglect or deprivation of medical care
  - 7. False imprisonment
  - 8. Mental injury or verbal abuse (i.e., threats, controlling behavior, deprivation of freedom, denial of personal liberties, and isolation)
- B. In addition to physical injuries, family violence includes such acts as intimidation of a partner or the partner's children

## **IDENTIFYING POSSIBLE FAMILY VIOLENCE**

- A. Victims of family violence generally hide the fact that it is occurring
- B. Case managers need to be sensitive and listen carefully to what is said and not said for possible clues indicating the customer is in a threatening relationship
- C. Every local department needs to have several screening questions as part of the family assessment process to help identify family violence situations
- D. The screening questions should be woven into the interview when discussing the relationship of the child or adult to the other parent or employment issues
- E. The following basic guideline questions may be rephrased to reveal possible indicators of family violence :
  - 1. Are you currently or have you been in a relationship in which your partner has harmed you physically, mentally, or sexually?
  - 2. Have you ever been afraid that this person might hurt you or your child(ren)?
  - 3. Has this person ever harmed or threatened to harm you or your child(ren) physically, mentally, or sexually?

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4. Has this person ever prevented you from leaving your home, traveling to work, or visiting your family or friends?
  5. Do you believe that seeking child support would put you or your child(ren) in danger?
- F. Rephrasing the suggested guideline questions (see examples below) may encourage fuller responses than a “yes” or “no” from the applicant or customer:
1. What concerns does your partner have about you going to work?
  2. When was the last time you discussed child support with Johnny’s father/mother? If not, why not? If yes, what is he/she saying? How much did he/she agree to pay?
  3. How does your partner feel about you leaving home to visit with your family or with friends?
  4. What problems do you believe filing for child support will cause you or your children?
  5. How have you handled situations when your partner was mentally, physically, or sexually abusive to you or to your children?
- G. When there is an indication of possible abuse, ask additional questions

**Note:** When there is an indication of possible abuse, exercise caution whenever the customer is contacted at home.

- H. Include family violence indicators in the narrative, along with steps taken to assist the family

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## **REFERRAL PROCESS**

- A. When family violence is indicated, tell the customer that he or she:
  1. Is being referred to a family violence expert
  2. Must meet with the expert to receive time limit and work requirement waivers
- B. Use local department procedures for making the referral

## **WAIVERS**

- A. The following program requirements can be waived or extended if the customer and local department believe compliance would make it difficult for the family to escape family violence:
  1. Time Limits – The case is in state-funded TCA and not subject to time limits
  2. Child Support Cooperation – Family violence is one of the good cause reasons for waiving the requirement using the criteria outlined in the Child Support section of Technical Eligibility
  3. Work Activities – The family violence expert or service provider makes a recommendation:
    - No work activities at this time
    - Possible work activities, such as work experience in a supportive environment, but not job search in the open market
    - Non-traditional work activities, such as getting into a support group
- B. To determine if a waiver should be granted because of family violence, use the same good cause criteria as in child support and look at:
  1. Court, medical, criminal, psychological, licensed social worker, child protective services, or law enforcement records which indicate physical or emotional harm to the child or the caretaker relative
  2. Medical records indicating the emotional health history and present status of the child or the relative
  3. Diagnosis and prognosis of the emotional health of the child or the relative by a mental health professional
  4. Documentation from the family violence counselor

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**Note:** The customer is not required to provide any formal written documentation to support the claim of family violence.

- C. When a family is identified as having suffered from family violence, the adult in the family must participate in a minimum of one session with the family violence expert to receive a waiver for the time limit and work requirements
- D. The case manager makes the decision on good cause within 30 days of the claim and:
  - 1. Notifies the customer, including an explanation of and reasons for the decision
  - 2. Retains a copy of the decision in the case record
  - 3. Reviews the claim at each recertification
- E. When circumstances have changed or good cause no longer exists, the case becomes federally funded and the customer must fulfill program requirements
  - 1. Time limits start or are resumed
  - 2. Work requirements must be met based on the individual independence plan

**Note:** Child support requirements may continue to be waived for good cause when the case becomes federally funded

## VERIFICATON

- A. If documentation of good cause is available, include it in the case record, but do not require the customer to gather the verification
- B. Documentation is needed that the customer is attending or attended a session with the family violence expert to get the waiver for work or time limits

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## EXAMPLES

Example 1. Ms. Meadows applies for assistance for her sons, who are in elementary school. She does not need anything for herself because her boyfriend, Matt supports her. When the assistance unit rules are explained, she agrees to continue the application because Matt really cannot support the boys. Her ex-husband is currently in jail so all child support has stopped. Ms. Meadows has not worked regularly since she met Matt. She has had a couple of jobs, but always had to quit because she was needed at home. Matt does not like her to work and she doesn't think she can be gone during the day to be in work programs. She doesn't want Matt to know the assistance will be for her and her sons. Ms. Meadows denies that there are any problems at home.

- Assure Ms. Meadows that all information is confidential
- Use extreme caution if Ms. Meadows needs to be contacted
- Refer Ms. Meadows to a family violence expert because there are indications that she may be a victim of family violence

Example 2. Ms. Newick applies for herself and her daughters. She has moved to Maryland from another state to escape her husband, who is the father of her children. Ms. Newick is a nurse, but states she cannot work in that profession because he always finds her. In fact, she is afraid he will find her anyway. Ms. Newick has many documents to support her claim. She would welcome counseling.

- Ms. Newick attends family violence counseling
- Good cause is established to waive child support requirements
- Time limits are waived since the case is state-funded TCA
- Work requirements are waived until the family violence counselor feels she is able to participate

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Example 3. Ms. Baltimore applies for assistance for herself and her son. She has been employed until a recent downsizing at her company. Her unemployment insurance has run out. She has looked for a job, but so far has not been successful. She claims good cause for child support cooperation and provides proof that Mr. Baltimore had been served with several restraining orders. There has been no contact for three years. Ms. Baltimore states she needs no help from a counselor and will not attend.

- Good cause is granted for child support
- Unless Ms. Baltimore agrees to at least one visit with the family violence expert, time limit and work requirement waivers are not given
- If Ms. Baltimore would see the family violence expert, the case becomes state-funded and the time limits are waived. The family violence expert may recommend full participation in work activities based on Ms. Baltimore's work history.

#### **ADDITIONAL INFORMATION**

- Technical Eligibility - Child Support Requirements
- Work and Education - Basic Requirements
- Time Limits – Lifetime Limits